

REMARKS/ARGUMENTS

In the Final Official Action, claims 11-20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 11-20 were also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 11-20 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over GRAZIANO et al. (U.S. Patent Application Publication No. 2002/0111698 A1) in view of NISHI (U.S. Patent Application Publication No. 2002/0055977 A1) and KIM et al. (U.S. Patent Application Publication No. 2004/0006647 A1).

The Advisory Action, dated December 11, 2009, indicated that Applicants' Amendment Under 37 C.F.R. § 1.116 filed November 17, 2009 would be entered, which we expressly request. In the Advisory Action the Examiner also indicated that Applicants' arguments with respect to the rejections under 35 U.S.C § 112, first and second paragraphs, were persuasive. As a result, the Examiner further indicated that the rejections of claims 11-20 under 35 U.S.C. § 112, first and second paragraphs, have been withdrawn. However, the Examiner indicated that the arguments with respect to the rejection under 35 U.S.C. § 103(a) were not persuasive. Thus, the Examiner has maintained the final rejection of the claims 11-20 under 35 U.S.C. § 103(a) as being unpatentable over GRAZIANO in view of NISHI and KIM.

The present amendment is based upon the previous entry of Applicants' Amendment Under 37 C.F.R. § 1.116 filed November 17, 2009. Upon entry of the present amendment, each of independent claims 11 and 15 have been amended. Claims 1-10 were previously cancelled. Thus, claims 11-20 are currently pending for consideration by the Examiner.

Claims 11-20 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over GRAZIANO in view of NISHI and KIM. With regard to independent claims 11 and 15, the

Final Official Action asserts that GRAZIANO discloses most of the features of claims 11 and 15, primarily citing GRAZIANO's Figures 1 and 6, and the corresponding descriptions. The Final Official Action acknowledges that GRAZIANO fails to disclose acquiring a current address of the remotely-controlled device at constant time intervals. However, the Final Official Action asserts that NISHI discloses this feature, primarily citing NISHI's Figures 1, 6, and 7, and the corresponding descriptions. The Final Official Action further acknowledges that both GRAZIANO and NISHI fail to disclose that the remote controller associates the current changeable address of the remotely controlled device with a fixed identification number of the remotely-controlled device that is stored in the address memory. Nevertheless, the Final Official Action asserts that KIM discloses this feature, primarily citing KIM's Figure 1, and the corresponding description. The Final Official Action then asserts that independent claims 11 and 15 are obvious.

Contrary to the assertions made in the Final Official Action, Applicants respectfully submit that the specific combination of features recited in amended independent claims 11 and 15 would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of GRAZIANO, NISHI, and KIM, for at least two primary reasons. First, Applicants submit that the Final Official Action has impermissibly resorted to hindsight reconstruction in formulating the asserted rejection of independent claims 11 and 15. Secondly, Applicants submit that even if GRAZIANO, NISHI, and KIM are properly combination (which Applicants dispute), GRAZIANO, NISHI, and KIM fail to disclose or render obvious the specific combination of features recited in independent claims 11 and 15.

The Final Official Action has impermissibly resorted to hindsight reconstruction in formulating the asserted rejection of independent claims 11 and 15. Applicants submit that the

Final Official Action has impermissibly pieced together three distinct references in a piecemeal manner using impermissible hindsight reasoning and Applicants' disclosure as a guide in formulating the rejection. Applicants also submit that the Final Official Action has not provided a convincing line of reasoning why one of ordinary skill in the art at the time of the invention would have combined GRAZIANO, NISHI, AND KIM in the very specific and particular manner asserted.

Furthermore, Applicants submit that the obviousness rationale asserted in the Final Official Action is improper because the rationale goes significantly beyond the knowledge that was within the level of ordinary skill in the art at the time of the invention, and was based on the description of the invention provided in Applicants' disclosure. Applicants submit that without using Applicants' disclosure as a roadmap, one of ordinary skill in the art at the time of the invention would not have pieced the three distinct references together in the manner asserted, given the relatively limitless number of possible configurations that would have been presented to one of ordinary skill in the art at the time of the invention.

GRAZIANO, NISHI, and KIM fail to disclose or render obvious the specific combination of features recited in independent claims 11 and 15. Applicants submit that the combination of GRAZIANO, NISHI, and KIM do not disclose or render obvious all of the features recited in independent claims 11 and 15. For instance, with respect to independent claim 11, Applicants submit that the applied references cited above fail to disclose or render obvious the claim feature that recites *a first communication interface operable to transmit, through the network at constant time intervals to the remotely-controlled device based on the current changeable address stored in the address storage, a status notification request.*

With regard to this particular feature of independent claim 11, the Final Official Action asserts that GRAZIANO discloses this feature by GRAZIANO's home configuration information including a daytime state, evening state, and night state, such that the host system transmits information "at times specified by user, hence transmitting status request at constant times" (emphasis added). See Final Official Action, page 5, lines 15-21. Applicants respectfully submit that GRAZIANO's transmissions indicating a daytime state, evening state, and night state at constant times is distinctly different from the above-cited features of independent claim 11 for several reasons.

For instance, claim 11 explicitly recites that the status notification requests are transmitted at constant time intervals, not at GRAZIANO's constant times, as asserted in the Final Official Action. Additionally, GRAZIANO's transmission of an instruction directing the controlled device to switch to a different state, i.e., daytime state, evening state, or night state, is not a status notification request, but rather a directive. Thus, Applicants respectfully submit that the Final Official Action's assertions that GRAZIANO's different states disclose the above-cited features of independent claim 11 are incorrect for at least the reasons discussed above. Furthermore, Applicants submit that it naturally follows that since GRAZIANO does not transmit status notification requests at constant time intervals, GRAZIANO does not send status information at constant time intervals in response to the status notification requests at constant time intervals, as recited in claim 11.

Additionally, the Final Official Action acknowledges that GRAZIANO fails to disclose the remote controller acquiring a current changeable address of the remotely-controlled device at constant time intervals. See Final Official Action, page 6, lines 13-14. However, the Final Official Action asserts that NISHI discloses this feature reasoning that since NISHI discloses the

transmission of state information from the electronic equipment (2) to the remote control server (1) at a predetermined timing, that “it will also receive the current address of the device on the network, because in order to differentiate the device from plurality of devices remote control server 1 will need the device’s address”. See Final Official Action, page 7, lines 8-11.

Contrary to the assertion, Applicants respectfully submit that the Final Official Action has provided no evidentiary support for this unsubstantiated assertion, and is merely guessing at how NISHI’s system functions. Applicants submit that NISHI does not disclose that the remote control server is *operable to acquire and store a current changeable address of the remotely-controlled device on the network received from the remotely-controlled device, which sends the current changeable address through the network at constant time intervals*, as is explicitly recited in independent claim 11. Applicants further submit that NISHI provides no disclosure of acquiring and storing the current changeable address of the remotely-controlled device, let alone acquiring and storing the current changeable address of the remotely controlled device at constant time intervals. Applicants submit that NISHI’s system could function in many different ways, and that NISHI’s does not need a current changeable address of a particular device to identify the origin of the state information, since NISHI’s system already knows which device will be sending state information at a predetermined time. Thus, for at least the reasons discussed above, Applicants submit that NISHI fails to disclose the above-cited feature of independent claim 11.

Furthermore, Applicants submit that the deficiencies of GRAZIANO and NISHI are not remedied by KIM. Applicants also submit that KIM teaches away from the features recited in independent claim 1. Applicants submit that KIM’s discloses his home server (300) periodically sending an “alive message” to the central portal server (100) for the purpose of maintaining a

connection of a secured socket of the central portal server (100). Applicants submit that KIM's "alive message" disclosure teaches away from the features recited in claim 11, since KIM uses the alive messages for maintaining a communication connection, whereas claim 11 explicitly requires that the current changeable address stored in the address storage is integrated in the claimed remote controller, such that the remote controller constantly utilizes the current changeable address to send the status notification requests at the specified constant time intervals.

For at least the reasons discussed above, Applicants submit that independent claim 11 would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of the combination of GRAZIANO, NISHI, and KIM. Additionally, Applicants submit that independent method claim 15 is also patentable for reasons similar to independent claim 11, since claim 15 recites features similar to the features recited in claim 11.

Nevertheless, in order to expedite the prosecution of the present application to allowance, Applicants have further amended each of independent claims 11 and 15. Amended independent claim 11 now explicitly recites that *the first communication interface also receives other status data, spontaneously generated by the remotely-controlled device at sufficiently narrow predetermined timing intervals to reflect real time status changes in the remotely-controlled device.* Applicants respectfully submit that neither GRAZIANO, NISHI, KIM, nor the combination thereof, disclose or render obvious the specific combination of features, including the above-cited feature, recited in amended independent claim 11. Applicants submit that amended independent claim 15 is also patentable, since independent claim 15 has been amended in a similar manner.

Furthermore, Applicants submit that claims 12-14 and 19, which depend upon amended independent claim 11, and claims 16-18 and 20, which depend upon amended independent claim 15, are patentable for at least the reasons discussed above, and further for the additional features recited therein. Accordingly, Applicants respectfully request that the rejection of claims 11-20 under 35 U.S.C. § 103(a), as being unpatentable over GRAZIANO in view of NISHI and KIM, be withdrawn, and that an indication of the allowability of claims 11-20 be provided in the next Official communication.

SUMMARY

From the amendments, arguments, and remarks provided above, Applicants submit that all of the pending claims in the present amendment are patentable over the references cited by the Examiner, either alone or in any proper combination. Accordingly, reconsideration of the outstanding Final Official Action is respectfully requested, and an indication of the allowance of claims 11-20 is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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